

### **STATUS OF THE CLAIMS / SUPPORT FOR CLAIM CHANGES**

As of the date of this amendment:

- Claim 1 has been cancelled;
- Claims 2-6 have been amended;
- Claims 7-18 have been added; and
- Claims 2-18 are now pending.

Support for the amendments to claims 2-5 may be found at least in original claims 2-5 because claim 7, from which claims 2-5 were amended to depend, recites at least the same limitations as claim 1, from which claims 2-5 originally depended.

Support for the amendments to claim 6 may be found at least in Figure 3 and at col. 4, lines 46-53, of U.S. Patent No. 6,014,476 (the '476 patent) upon which this reissue application is based.

Support for new claim 7 may be found at least in claim 1 and in Figures 1, 2A, and 2B of the '476 patent.

Support for new claim 8 may be found at least in Figure 2B of the '476 patent.

Support for new claim 9 may be found at least in Figures 1 and 2B and at col. 3, lines 37-43 and 55-65, of the '476 patent.

Support for new claim 10 may be found at least at col. 4, lines 2-5, of the '476 patent.

Support for new claim 11 may be found at least at col. 4, lines 5-14, of the '476 patent.

Support for new claim 12 may be found at least in claim 1 and Figure 2B of the '476 patent.

Support for new claim 13 may be found at least in Figure 2B and at col. 4, lines 9 and 10, of the '476 patent.

Support for new claim 14 may be found at least in Figure 1 and at col. 3, lines 52-56, of the '476 patent.

Support for new claim 15 may be found at least in claim 1, in Figures 1, 2A, and 2B, and at col. 4, lines 6-15, of the '476 patent.

Support for new claim 16 may be found at least at col. 4, lines 9-11, of the '476 patent.

Support for new claim 17 may be found at least in Figures 2A and 2B and at col. 4, lines 7-15, of the '476 patent.

Support for new claim 18 may be found at least in Figures 2A and 2B and at col. 4, lines 7-9, of the '476 patent.

## **REMARKS**

The present Amendment is in response to the Office Action. Claims 2-18 are pending, of which claims 7, 12, and 15 are independent. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

### **I. Amendment Informalities**

In the Office Action, the Examiner noted that the amendment filed on October 2, 2009, is improper “since all newly added claims (claims 15-18) should be underlined.” Applicants appreciate the Examiner’s careful review of the amendment. In this paper, the foregoing informalities have been addressed. In particular, all new claims have been underlined pursuant to 37 CFR § 1.173.

### **II. Rejections Under 35 U.S.C. § 251 – Improper Broadening**

The Examiner rejected claims 15-18 under 35 U.S.C. § 251 as improperly broadening the claims in a reissue application filed outside the two year statutory period. More specifically, the Examiner noted that the claims “do not include the limitation of ‘a lens’ between the electro-optical component and the receptacle found in claim 1.” Applicants have amended independent claim 7 to recite “wherein [a] lens and the electro-optical component are directly aligned with one another in the beam path between said electro-optical component and said receptacle.” (Emphasis added.) Similar amendments have been made to independent claim 12 (“wherein [a] lens and the electro-optical component are directly aligned with one another in the beam path between said electro-optical component and said receptacle”) and to independent claim 15 (“an electro-optical component directly aligned with [a] lens in the beam path between said electro-optical component and said receptacle”). Accordingly, the rejection under § 251 has been obviated and withdrawal of the rejection is respectfully requested.

### **III. Supplemental Reissue Oath/Declaration**

The Examiner asserts that the reissue oath/declaration filed with this application is defective because it “fails to identify at least one error which is relied on to support the amendment to the reissue application.” Applicants respectfully note, however, that because amendments are often made during prosecution of a reissue application, the MPEP suggests “wait[ing] until the case is in condition for allowance, and then submit[ting] a cumulative supplemental reissue oath/declaration.” *See MPEP* § 1444.II. Then, when the case is in

condition for allowance, the MPEP encourages the Examiner to “telephone the applicant and request the submission of the supplemental oath/declaration by fax.” Accordingly, in the event further amendments become necessary and in accordance with MPEP guidance, Applicants respectfully opt to wait until the case is in condition for allowance before submitting a cumulative supplemental reissue oath/declaration.

#### **IV. Fee Payment**

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to **Deposit Account No. 23-3178**: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to **Deposit Account No. 23-3178**.

#### **CONCLUSION**

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 29<sup>th</sup> day of June 2010.

Respectfully submitted,

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